

AMENDED IN SENATE FEBRUARY 24, 2009

**SENATE BILL**

**No. 2**

**Introduced by Senator Wiggins**

*(Principal coauthors: Assembly Members Chesbro and Evans)*

***(Coauthors: Senators Ashburn, Benoit, Cox, Florez, Maldonado, and Wright)***

*(Coauthors: Assembly Members Bill Berryhill, Tom Berryhill, Huffman, Smyth, and Torres)*

December 1, 2008

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An act to amend Sections 6046, 6047.19, 6047.20, 6047.21, 6047.27, and 6047.29 of the Food and Agricultural Code, relating to pest control, making an appropriation therefor, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 2, as amended, Wiggins. Pest control: Pierce's disease: glassy-winged sharpshooter.

(1) Existing law establishes the Pierce's Disease Control Program in the Department of Food and Agriculture, and the Pierce's Disease Management Account in the Food and Agriculture Fund. Existing law allows money in this account to be expended as specified to combat Pierce's disease and its vectors. Existing law declares that these provisions shall become inoperative on March 1, 2011.

This bill would change the date on which these provisions become inoperative to March 1, 2016.

(2) Existing law creates in the Department of Food and Agriculture the Pierce's Disease and Glassy-winged Sharpshooter Board, which consists of specified numbers of representatives of producers and processors, as defined, in the grape industry ~~that~~ *who* are appointed by

the Secretary of Food and Agriculture. Existing law sets forth the powers of the board and provides for an annual assessment to be paid by the processors into the Department of Food and Agriculture Fund for the purposes of, among other things, research and other activities related to the transmittal of the plant killing Pierce's disease bacterium, and its vectors, particularly the glassy-winged sharpshooter. Existing law repeals these provisions on March 1, 2011.

This bill would extend the repeal date of these provisions to March 1, 2016, except that this bill would make these provisions inoperative as of March 1, 2011, unless the secretary finds, in a referendum conducted by him or her, or a person designated by him or her, that a favorable vote has been given. The bill would require, no later than April 15, 2010, the secretary to establish a list of those individuals eligible to vote on the continued implementation of these provisions, as specified. The bill would also make a conforming change and other technical changes.

Because assessments collected pursuant to these provisions are deposited in the Department of Food and Agriculture Fund, which is continuously appropriated, by extending the collection of these assessments, this bill would make an appropriation.

(3) Existing law, operative until March 1, 2011, provides that the Secretary of Food and Agriculture shall appoint an advisory task force to advise him or her on the control and management of Pierce's disease.

This bill would extend these provisions to March 1, 2016.

~~(4) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6046 of the Food and Agricultural Code
- 2 is amended to read:
- 3 6046. (a) There is hereby created in the department the Pierce's
- 4 Disease Control Program.
- 5 (b) The Governor shall appoint a statewide coordinator, and the
- 6 secretary shall provide an appropriate level of support staffing and
- 7 logistical support for combating Pierce's disease and its vectors.
- 8 (c) (1) There is hereby created the Pierce's Disease Management
- 9 Account in the Food and Agriculture Fund.

1 (2) The account shall consist of money transferred from the  
2 General Fund and money made available from federal, industry,  
3 and other sources. Money made available from federal, industry,  
4 and other sources shall be available for expenditure without regard  
5 to fiscal year for the purpose of combating Pierce's disease or its  
6 vectors. State general funds to be utilized for research shall only  
7 be expended when the secretary has received commitments from  
8 nonstate sources for at least a 25-percent match for each state dollar  
9 to be expended.

10 (d) The funds appropriated pursuant to this section to the Food  
11 and Agriculture Fund for the purpose of combating Pierce's disease  
12 and its vectors shall be used for costs that are incurred by the state  
13 or by local entities during and subsequent to the fiscal year of the  
14 act that added this section for the purpose of research and other  
15 efforts to combat Pierce's disease and its vectors.

16 (e) Whenever, in any county, funds are allocated by the  
17 department for local assistance regarding Pierce's disease and its  
18 vectors, those funds shall be made available to a local public entity,  
19 or local public entities, designated by that county's board of  
20 supervisors.

21 (f) Funds appropriated for local assistance shall not be allocated  
22 to the local public entity until the local public entity creates a  
23 Pierce's disease work plan that is approved by the department.  
24 Any funds allocated by the department to a designated local public  
25 entity shall be utilized for activities consistent with the local  
26 Pierce's disease work plan or other programs or work plans  
27 approved by the department. It shall be the responsibility of the  
28 designated local public entity to develop and implement the local  
29 Pierce's disease work plan. Upon request, the department shall  
30 provide consultation to the local public entity regarding its work  
31 plan.

32 (g) The work plan created by the designated local public entity  
33 shall include, but is not limited to, all of the following:

34 (1) In coordination with the department, the development and  
35 delivery of producer outreach information and training to local  
36 communities, groups, and individuals to organize their involvement  
37 with the work plan and to raise awareness regarding Pierce's  
38 disease and its vectors.

39 (2) In coordination with the department, the development and  
40 delivery of ongoing training of the designated local public entity's

1 employees in the biology, survey, and treatment of Pierce's disease  
2 and its vectors.

3 (3) The identification within the designated local public entity  
4 of a local Pierce's disease coordinator.

5 (4) The proposed treatment of Pierce's disease and its vectors.  
6 Treatment programs shall comply with all applicable laws and  
7 regulations and shall be conducted in an environmentally  
8 responsible manner.

9 (5) In coordination with the department, the development and  
10 implementation of a data collection system to track and report new  
11 infestations of Pierce's disease and its vectors in a manner  
12 respectful of property and other rights of those affected.

13 (6) On an annual basis, while funds appropriated by this section  
14 are available for encumbrance, the department shall review the  
15 progress of each local public entity's activities regarding Pierce's  
16 disease and its vectors and, as needed, make recommendations  
17 regarding those activities to the local public entity.

18 (h) Notwithstanding Section 7550.5 of the Government Code,  
19 the department shall report to the Legislature on January 1, 2001,  
20 and each January 1 while this section is operative, regarding its  
21 expenditures, progress, and ongoing priorities in combating  
22 Pierce's disease and its vectors in California.

23 (i) This article shall become inoperative on March 1, 2016, and  
24 as of January 1, 2017, is repealed, unless a later enacted statute  
25 that is enacted before January 1, 2017, deletes or extends the dates  
26 on which it becomes inoperative and is repealed.

27 SEC. 2. Section 6047.19 of the Food and Agricultural Code is  
28 amended to read:

29 6047.19. (a) On or before December 31st of every other year,  
30 the secretary, after consultation with the board, shall report on the  
31 status of this article to the chairs of the policy and fiscal committees  
32 that have the appropriate subject matter jurisdiction in the  
33 Assembly and the Senate.

34 (b) The report shall include a financial accounting, including  
35 the distribution of industry assessments and any unexpended  
36 amount on deposit, of the department's efforts to contain Pierce's  
37 disease and its vectors.

38 (c) This article shall remain in effect only until March 1, 2016,  
39 and as of that date is repealed, unless a later enacted statute, that  
40 is enacted before March 1, 2016, deletes or extends that date.

1 SEC. 3. Section 6047.20 of the Food and Agricultural Code is  
2 amended to read:

3 6047.20. This article shall become inoperative, as of March 1,  
4 2011, unless the secretary finds, in a referendum conducted by  
5 him or her, or a person designated by him or her, subsequent to  
6 the operative date of the amendments to this section adopted in  
7 2009, that a favorable vote has been given pursuant to this article.

8 SEC. 4. Section 6047.21 of the Food and Agricultural Code is  
9 amended to read:

10 6047.21. (a) No later than April 15, 2010, the secretary shall  
11 establish a list of those persons eligible to vote on the continued  
12 implementation of this article.

13 (b) Eligibility shall be limited to the producers, processors, and  
14 persons who paid the assessment on grapes crushed in the  
15 immediately preceding season.

16 (c) (1) In establishing the list, the secretary may require  
17 processors, producers, and others to submit the names, mailing  
18 addresses, and assessment values of all producers who paid the  
19 assessment on grapes crushed in the immediately preceding  
20 marketing season.

21 (2) The information required by the secretary shall be filed either  
22 with the annual assessment report or no later than 30 days  
23 following receipt of a written notice from the secretary requesting  
24 the information.

25 (d) Any producer whose name does not appear on the secretary's  
26 list may have his or her name added to the list by filing with the  
27 secretary a signed statement identifying himself or herself as a  
28 producer that paid an assessment during the most recent marketing  
29 season.

30 SEC. 5. Section 6047.27 of the Food and Agricultural Code is  
31 amended to read:

32 6047.27. (a) If the secretary finds that a favorable vote as  
33 provided in this article has not been given subsequent to the  
34 operative date of the amendments to this section adopted in 2009,  
35 this article shall become inoperative as of March 1, 2011.

36 (b) If the secretary finds that a favorable vote has been given  
37 as provided in this article, he or she shall certify and give notice  
38 of the favorable vote to all persons whose names and addresses  
39 may be on file with the secretary as provided in Section 6047.21.

1 SEC. 6. Section 6047.29 of the Food and Agricultural Code is  
2 amended to read:

3 6047.29. (a) The secretary shall appoint an advisory task force  
4 consisting of scientific experts, including, but not limited to,  
5 university researchers and agricultural representatives, for the  
6 purpose of advising the secretary on the control and management  
7 of Pierce's disease.

8 (b) Members of the advisory task force, or alternate members  
9 when acting as members, may be reimbursed, upon request, for  
10 necessary expenses incurred by them in the performance of their  
11 duties.

12 (c) Notwithstanding Sections 6047.20 and 6047.27, this section  
13 shall remain in effect until March 1, 2016, and as of that date is  
14 repealed, unless a later enacted statute, that is enacted before March  
15 1, 2016, deletes or extends that date.

16 ~~SEC. 7. This act is an urgency statute necessary for the~~  
17 ~~immediate preservation of the public peace, health, or safety within~~  
18 ~~the meaning of Article IV of the Constitution and shall go into~~  
19 ~~immediate effect. The facts constituting the necessity are:~~

20 ~~In order to continue to protect as soon as possible the winegrape~~  
21 ~~industry from the plant killing Pierce's disease bacterium, and its~~  
22 ~~vectors, and to give the Department of Food and Agriculture~~  
23 ~~adequate time to address the referendum required by Section~~  
24 ~~6047.20 of the Food and Agricultural Code, it is necessary that~~  
25 ~~this act take effect immediately.~~